

LOUISE H. RENNE, State Bar #36508
City Attorney
THERESA MUELLER, State Bar #172681
JACQUELINE MINOR, State Bar #102735
JOSEPH COMO, State Bar # 206648
Deputy City Attorneys
City Hall, Room 325
1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102-5408
Telephone: (415) 554-4703
Facsimile: (415) 554-4747
E-Mail: joe_como@ci.sf.ca.us

STATE OF CALIFORNIA
State Energy Resources
Conservation and Development Commission

In the Matter of:)	Docket 01-SIT-1
)	
)	Comments of City and
RULEMAKING TO MODIFY RULES)	County of San Francisco
OF PRACTICE AND PROCEDURE FOR)	On Proposed Modifications to
POWERPLANT APPLICATIONS)	the Siting Regulations
_____)	

The City and County of San Francisco (CCSF) submits these comments on the proposed changes to the Commission's procedures for power plant siting regulations that were issued on June 29, 2001. CCSF has reviewed the comments submitted by the Ten Intervenors and Community Groups. CCSF shares the concerns expressed in those comments and incorporates those comments herein by reference. Local entities such as CCSF have a strong interest in ensuring that the Commission maintains an accessible public process in siting power plants. This is particularly so since the Commission's power plant certification can preempt local approvals. CCSF is concerned that these proposed changes might have escaped the notice of many local entities given the relatively short time period for comments. Therefore, CCSF recommends that the

Commission hold additional workshops on the proposed changes and solicit additional comments. CCSF would be glad to further consider changes that the Commission believes are necessary for it to carry out its responsibilities. CCSF believes it would be very helpful if the Commission would clearly identify the problems it is attempting to solve by the proposed changes.

Proposed Changes to Section 1212

CCSF does not support the changes proposed to this section. It is inconsistent with the law and the public interest to increase the discretion of the presiding member in a manner that could be used to limit the ability of the public to participate in the siting process. The proposed changes to subsections (b) and (c) would inappropriately limit the right of parties to present evidence to the Commission. The proposed addition of subsection (e) is inappropriate to the extent it would allow the presiding member to use the informal hearing process in a manner inconsistent with the standards adopted by the Legislature for using that process. To the extent the Commission would like to use informal hearing procedures to supplement its siting review, CCSF believes it already has the discretion to do so. It is not appropriate, however, to use such informal procedures as a substitute for formal evidentiary hearings.

Proposed Changes to Section 1710(h)

As noted by the comments of the Commission staff, the proposed change to subsection (h) would “undermine the intent of Section 1710(a), which provides that hearings, workshops and conferences must be open to the public.” Notice of meetings

after they occur does not fulfill the intent of this section or the law. The proposed changes should not be adopted.

Proposed Changes to Section 1714.5(d)

CCSF believes this proposed change is unnecessary and inconsistent with existing legal standards. In practice, the Commission already affords “great deference” to the findings of other agencies to the extent such deference is consistent with the Commission’s obligations under the law. This change should be rejected.

Dated: July 30, 2001

LOUISE H. RENNE
City Attorney
THERESA MUELLER
JACQUELINE MINOR
JOSEPH COMO
Deputy City Attorneys

By:_____

Attorneys for CITY AND COUNTY OF
SAN FRANCISCO